



# Carrathool Shire Council

## Section 7.12 Fixed Levy

### Plan

Version 3

Application	Staff, community members, contractors, council stakeholders
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**1. Amendment List**

<b>Minute / Date</b>	<b>Nature of Amendment</b>	<b>Reason / Reference</b>
3367 / 15.10.2002	Commencement	EPA Reg 2000 cl 31
1413/16.02.2007	Levy changes	Ministerial directive
0329/16.07.2013	Revoke previous s94 plans	Not applied
0409/15.10.2013	Commencement new plan	Updated plan & schedule
1131/22.10.2019	Rename and amend plan	Legislative Requirement

## **PART A – Administration and operation of the plan**

### **1. Repeal of previous Section 94 Plans**

In accordance with Clause 32(2)(a) of the *Environmental Planning and Assessment Regulation 2000* the adoption of Carrathool Shire Council Section 7.12 Fixed Levy Plan for entire land area of the shire of Carrathool will repeal all previous adopted Shire of Carrathool Section 94 Plans.

### **2. What definitions apply?**

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

- **ABS** means the Australian Bureau of Statistics
- **EP&A Act** means the *Environmental Planning and Assessment Act 1979*
- **Council** means Carrathool Shire Council
- **Development contributions** means a development contribution required to be paid by a condition of development consent imposed pursuant to section 7.11 of the Act
- **Levy** means a levy under section 7.12 of the Act authorised by this plan
- **Public facility** means a public amenity or public service
- **Regulation** means the *Environmental Planning and Assessment Regulation 2000*

### **3. What is the name of this contributions plan?**

This Plan is called the “Carrathool Shire Council Section 7.12 Fixed Levy Plan”

### **4. Where does this plan apply?**

This plan applies to all land within the local government area of Carrathool Shire Council as shown in Schedule 1.

### **5. What is the purpose of this contributions plan?**

The purposes of this contributions plan is:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the *EP&A Act 1979*.
- To assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- To publicly identify the purposes for which the levies are required.

### **6. When does this development contributions plan commence?**

This contributions plan commences on ?.

### **7. Are there any exemptions to the development contribution?**

This Plan does not authorise or impose fixed levy in respect of development:

- a) For the purpose of disabled access,

- b) For the sole purpose of providing affordable housing,
- c) For the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,
- d) For the sole purpose of the adaptive reuse of an item of environmental heritage, or
- e) Other than the subdivision of land, where a condition under section 7.11 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

**8. What does Section 7.12 of the Act provide?**

Section 7.12 of the Act provides as follows:

**7.12 Fixed development consent levies**

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

**9. Development to which this plan applies**

This development contributions plan applies to applications for development consent and applications for complying development certificates under Part 4 of the *Environmental Planning and Assessment Act 1979*. The rates for different types of development are set out below.

<b>Type of Development</b>	<b>Levy (%)</b>
All types of development up to and including \$100,000	Nil
Single dwellings <b>or</b> development solely for the purposes of residential ancillary use.	Nil
All types of development between \$100,001 & \$200,000	0.5% of development cost
All types of development over \$200,000	1% of development cost to a maximum of \$100,000.

## 10. Construction certificates, Complying Development Certificates and the obligations of accredited certifiers

In accordance with clause 146 of the *EP&A Regulation 2000*, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied. A certifying authority must not issue a Complying Development Certificate unless it includes a condition that a development contribution required under this Plan is to be paid to the Council prior to commencement of work.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

## 11. How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in summary schedule.

The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the EP&A Regulation. See extract below:

### ***“ 25J Section 7.12 levy—determination of proposed cost of development***

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
  - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,*
  - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,*
  - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.**
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.*
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
  - (a) the cost of the land on which the development is to be carried out,**

- (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,*
  - (c) the costs associated with marketing or financing the development (including interest on any loans),*
  - (d) the costs associated with legal work carried out or to be carried out in connection with the development,*
  - (e) project management costs associated with the development,*
  - (f) the cost of building insurance in respect of the development,*
  - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),*
  - (h) the costs of commercial stock inventory,*
  - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,*
  - (j) the costs of enabling access by disabled persons in respect of the development,*
  - (k) the costs of energy and water efficiency measures associated with the development,*
  - (l) the cost of any development that is provided as affordable housing,*
  - (m) the costs of any development that is the adaptive reuse of a heritage item.*
- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.*
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.”*

**12. Cost estimate reports must accompany any application where a contribution levy may be payable**

An application is to be accompanied by a report, prepared at the applicant’s cost in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the Regulation.

The following types of report are required:

- where the estimate of the proposed cost of carrying out the development is less than \$1,000,000 – a cost summary report in accordance with Schedule 2;
- where the estimate of the proposed cost of carrying out the development is \$1,000,000 or more – a detailed cost report in accordance with Schedule 3.

**13. Who may provide a report for the purposes of clause 10 of this plan?**

For the purpose of clause 25J(2) of the Regulation and clause 10 of this plan, the following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development in the following circumstances:

- where the proposed development cost is less than \$1,000,000 - a person who, in the opinion of the Council, is suitably qualified to provide a cost summary report;
- where the proposed development cost is \$1,000,000 or more – a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

Upon reviewing a cost summary report, the Council may require a further estimate to be provided by a registered quantity surveyor at the applicant's cost. The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 13.

#### 14. How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

$$\text{Contribution at the time of payment} = \$Co + A$$

Where

\$Co is the original contribution as set out in the consent

A is the adjustment amount which is

$$\{ \$Co \times ([\text{Current Index} - \text{Base Index}]) \} / \text{Base Index}$$

Where

Current Index is the Consumer Price Index (All groups Index) for Sydney as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.

Base Index is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics available at the date of adoption of this plan.

#### 15. Pooling of levies

For the purposes of s7.3(2) of the Act, this plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the public facilities listed in Schedule 4 in accordance with the staging set out in that Schedule.

#### 16. When is the levy payable?

A development contribution authorised by this Plan and required by a condition of a development consent (not including a Complying Development Certificate) must be paid to the Council at the time specified in the condition. If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 4A of the *EP&A Act*. This includes a Subdivision Certificate.

A development contribution authorised by this Plan and required by a condition of a Complying Development Certificate must be paid to the Council prior to the commencement of any building work or subdivision work authorised by the certificate.



**17. How will the Council apply money obtained from the levy?**

Money paid to the Council under a condition authorised by this plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided within the area as listed in Schedule 4.

**18. What are the funding priorities from levies authorised by this plan?**

Subject to s7.3(2) of the Act and clause 15 of this plan, the public facilities listed in Schedule 4 are to be provided in accordance with the staging set out in that Schedule.

**19. Planning Agreements**

In accordance with Section 7.4(1) of the EP&A Act a planning agreement is a voluntary agreement or arrangement between a planning authority and a developer under which the developer agrees to make contributions towards a public purpose. A planning agreement may wholly or partly exclude the application of Section 7.11 to the development that is subject of the agreement.

The provisions of Sections 7.4 to 7.10 of the EP&A Act and accompanying Regulation prescribe the contents, form, subject matter and procedures for making planning agreements.

Any person seeking to enter into a planning agreement should in the first instance submit a proposal in writing to Council, documenting the planning benefits and how the proposal would address the demands created by development for new public infrastructure, amenities and services.

**20. Savings and Transitional Arrangements**

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of this plan.

## **PART B – Expected development and demand for public facilities**

Population projections for Carrathool Shire Council area are predicted to either be a very small increase in population or a decline in population of potentially -0.9%. Carrathool Shire Council has seen an influx of development that produces a huge demand for a large itinerant labour force that needs to be accommodated for certain periods of the year. Council has identified that the itinerant labour force places additional demands on Councils public facilities. Council believes that unless additional facilities are provided and existing facilities maintained to high standards, then existing residents will experience a decline in their satisfaction with the facilities.

The expected types of development that require high levels of itinerant labour include, but not limited to:

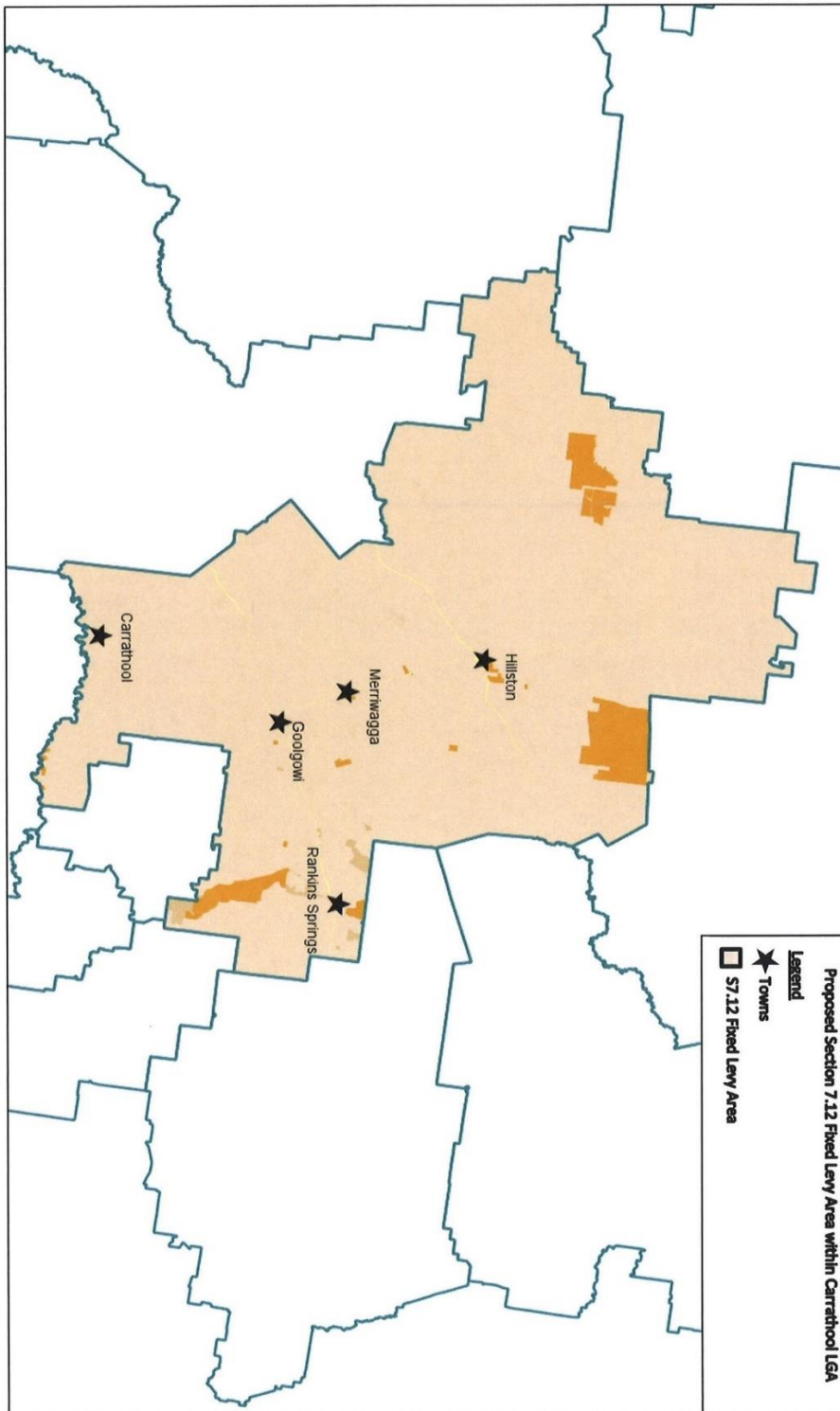
- Mining Ventures
- Commercial development located primarily in commercial precincts
- Industrial development
- Major Agricultural Ventures
- Intensive Residential Developments

On review of Council's 10 year Community Strategic Plan a works program has been identified (Schedule 4) which lists the public amenities or services to be provided, recouped, extended or augmented by contribution monies derived by this plan.

### Schedule 1 - Plan Area

This Plan applies to all land within the Carrathool local government area as shown in Figure 1.

Figure 1. Fixed Levy Area



## Schedule 2

### Cost Summary Report (Clause 13)

#### Cost Summary Report

[Development Cost less than \$1,000,000]

DEVELOPMENT APPLICATION No.  REFERENCE:

CONSTRUCTION CERTIFICATE No.  DATE:

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

DEVELOPMENT NAME: \_\_\_\_\_

DEVELOPMENT ADDRESS: \_\_\_\_\_

#### ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub total above carried forward	\$
Preliminaries and margin	\$
<b>Sub-total</b>	\$
Consultant Fees	\$
Other related development costs	\$
<b>Sub-total</b>	\$
Goods and Services Tax	
<b>TOTAL DEVELOPMENT COST</b>	

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the EP&A Regulation 2000 at current prices
- Included GST in the calculation of development cost

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position and Qualifications: \_\_\_\_\_

Date: \_\_\_\_\_

### Schedule 3

### Detailed Cost Report (Clause 13)

**Registered\* Quantity Surveyor's Detailed Cost Report**  
 [Development Cost in excess of \$1,000,000]  
 \*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.  REFERENCE:   
 CONSTRUCTION CERTIFICATE No.  DATE:

APPLICANT'S NAME: \_\_\_\_\_  
 APPLICANT'S ADDRESS: \_\_\_\_\_  
 DEVELOPMENT NAME: \_\_\_\_\_  
 DEVELOPMENT ADDRESS: \_\_\_\_\_

**DEVELOPMENT DETAILS:**

Gross Floor Area –	m2	Gross Floor Area – Other	m2
Gross Floor Area – Residential		Total Gross Floor Area	
Gross Floor Area – Retail		Total Site Area	
Gross Floor Area – Car		<b>Total Car Parking Spaces</b>	
<b>Total Development Cost</b>			
<b>Total Construction Cost</b>			
<b>Total GST</b>			

**ESTIMATE DETAILS:**

<b>Professional Fees</b>	\$	Excavation	
% of Development Cost	%	% Cost per square metre of site area	\$/m2
% of Construction Cost	%	% Car Park	
<b>Demolition and Site</b>	\$	Cost per square metre of site area	\$/m2
Cost per square metre of	\$/m2	Cost per space	/space
<b>Construction –</b>	\$	Fit-out – Commercial	\$
Cost per square metre of	\$/m2	Cost per m2 of commercial area	\$/m2
<b>Construction –</b>	\$	Fit-out – Residential	
Cost per square metre of	\$/m2	Cost per m2 of residential area	\$/m2
<b>Construction – Retail</b>	\$	Fit-out – Retail	\$
Cost per square metre of	\$/m2	Cost per m2 of retail area	\$/m2

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors
- Calculated the development costs at current prices in accordance with the definition of development costs in the Carrathool Shire Council Section 7.12 Fixed Levy Plan.
- Included GST in the calculation of development cost
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2

Signed: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Position and Qualifications: \_\_\_\_\_  
 Date: \_\_\_\_\_

## Schedule 4 – WORKS PROGRAM

Public Facilities identified through the Community Strategic Plan that are to be funded, in part or full through S7.12 levies are listed in the following Schedule.

### **PUBLIC INFRASTRUCTURE**

#### **Hillston**

- Skate Park Shade Sail: \$35,000
- Small Boat Launching area: \$25,000
- Technology (Education Hub): \$20,000
- Running track and outdoor gym: \$15,000
- Hillston Swimming Pool Upgrade: \$500,000

#### **Goolgowi**

- Caravan Park BBQ & Shelter \$7,000
- Bike track in Settlers Park \$30,000
- Renewal of Shade sails at Pool \$20,000

#### **Merriwagga**

- Shade sails over playground \$30,000

#### **Rankins Springs**

- Tennis Court repairs \$12,000
- Improvements to the Hall \$30,000
- Construction of bird hides \$20,000

#### **Carrathool**

- Netball Court, Change rooms \$100,000
- Boat Ramp \$30,000

#### **Shire wide**

- Picnic/BBQ & Shelter \$7,000 (per site)
- Walking trails and signage \$10,000 (per site)
- Outdoor Gym equipment \$5,000 (per site)
- Public Art projects \$20,000 (per site)